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Steps to Canadian Citizenship

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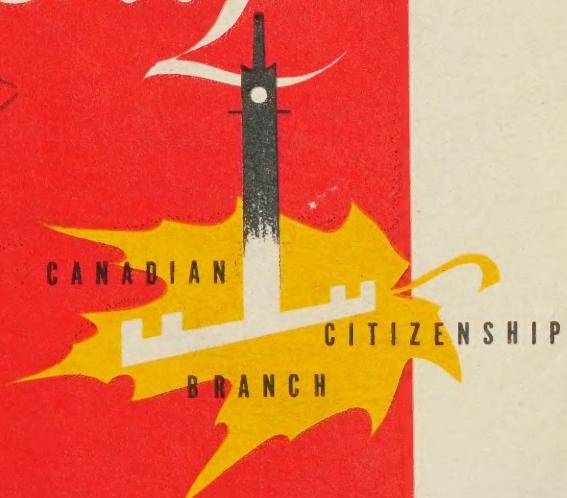


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THE Steps to Canadian Citizenship



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THE STEPS TO
CANADIAN CITIZENSHIP

A GUIDE
TO CITIZENSHIP
PROCEDURE

Published by

THE CANADIAN CITIZENSHIP BRANCH

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DEPARTMENT OF CITIZENSHIP AND IMMIGRATION

Honourable Walter E. Harris, Q.C.,
Minister.

Laval Fortier, O.B.E., Q.C.,
Deputy Minister.

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Revised Edition, June, 1954

PREFACE

This booklet is intended to be a guide for Clerks of Courts and others who are interested in having a general outline of procedures involved in the application of the Canadian Citizenship Act.

It is emphasized that the procedures outlined in the booklet are those having the widest application. No attempt has been made to cover the procedure for any specific or given case. If there is some doubt as to the procedure that should be followed in any given case, further information or advice should be sought from the Registrar of Canadian Citizenship, Ottawa.

It is also pointed out that this booklet is not a legal document. If there is any conflict between it and the Canadian Citizenship Act and Regulations, the exact wording of the Act and Regulations will, of course, apply.

It is hoped that the reader may find the booklet useful in answering questions pertaining to the acquisition of Canadian citizenship.



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THE STEPS TO CANADIAN CITIZENSHIP

PART I

AN APPLICATION BY AN ALIEN

There are four main steps that an alien must take in order to become a citizen of Canada. These are:

- (1) He must be legally admitted to Canada for permanent residence. This is known as being "landed".
- (2) He must file an Application for Citizenship.
- (3) He must appear for examination before the Court.
- (4) He must take an Oath of Allegiance to Her Majesty the Queen.

NOTE: A Declaration of Intention is no longer a requirement under the Act. If, however, a person, who has been legally landed, wishes to file such a Declaration he may do so, using the prescribed form. The Declaration may be filed with the Clerk of the Court for the county or district where the declarant lives; with a citizenship officer, or with the Registrar of Canadian Citizenship, Ottawa. There are no restrictions with respect to age.

THE APPLICATION FOR CITIZENSHIP

1. When an Application for Citizenship May Be Filed

An alien may not file his Application for Citizenship until he has met the following requirements:

- (1) He must have acquired Canadian domicile as defined in the Immigration Act. This states in part: "Canadian domicile is acquired for the purposes of this Act by a person having his place of domicile for at least five years in Canada after having been landed in Canada."

NOTE: There are three important exceptions to the requirements of Canadian domicile (See Sec. 10, 1 (c) of the Canadian Citizenship Act.) These are:

- (a) Under certain circumstances, a person who has served outside of Canada in the Canadian Armed Forces.
- (b) The wife of a Canadian citizen, provided she has been legally admitted to Canada for permanent residence.
- (c) A person who had a place of domicile in Canada for twenty years immediately before the first of January, 1947, and was not under an order of deportation on that date.

- (2) He must have lived in Canada for at least a year immediately before the date of his application.
- (3) He must be of good character.
- (4) He must have an adequate knowledge of the English or French language.

NOTE: There is one exception to this requirement. A person who has lived in Canada for twenty years or more is NOT required to have a knowledge of either language.

- (5) He must have an adequate knowledge of the responsibilities and privileges of Canadian citizenship.
- (6) He must intend to make his permanent home in Canada.
- (7) He must be at least 21 years old, or the spouse of and reside in Canada with a Canadian citizen.

2. Where the Application for Citizenship Is Filed

A person wishing to file an Application for Citizenship must do so through the Clerk of the Court for the county or district in which the applicant lives.

The form "Application for Citizenship" (Form 3), is completed in duplicate by the Clerk of the Court. The applicant, however, should be prepared to supply evidence of legal admission to Canada, and any other information necessary for the proper completion of the form.

3. Posting of Copy of Application for Citizenship

When an Application for Citizenship is filed, the Clerk of the Court must post one copy of the Application in a conspicuous place in his office for a period of three months before the application may be considered by the Court. The second copy of the application form is sent immediately by the Clerk to the Registrar of Canadian Citizenship, Ottawa.

EXAMINATION BEFORE THE COURT

4. When the Examination Is Held

A person who has filed an Application for Citizenship will be notified by the Clerk of the Court as to the date, place and time he is to appear for examination before the Court. Unless there are exceptional circumstances, an applicant must appear in person.

5. What Is Expected of the Applicant

An applicant appearing for examination before the Court must satisfy the Judge that the information supplied in his Application is correct; that he is of good character; that he has an adequate knowledge of the English or French language, and that he has an adequate knowledge of the responsibilities and privileges of Canadian citizenship.

6. The Decision of the Court

At the conclusion of the examination the decision of the Court with respect to the Application is forwarded to the Minister of Citizenship and Immigration for his consideration.

7. The Certificate of Canadian Citizenship

If, in his discretion, the Minister of Citizenship and Immigration grants a Certificate of Citizenship, it is forwarded by the Registrar to the Clerk of the Court.

OATH OF ALLEGIANCE

8. When the Oath Is Taken

When the Certificate of Citizenship is received by the Clerk of the Court, he immediately notifies the applicant of the date, place and time that he is to appear before the Court in order to take the Oath of Allegiance to Her Majesty the Queen.

9. Effective Date of the Certificate of Citizenship

When the Oath of Allegiance has been taken, the date of the taking of the Oath is entered upon the Certificate by the Clerk of the Court, and upon that date the applicant becomes a Canadian citizen.

10. When an Application for Citizenship Is Rejected

A person whose application for citizenship was rejected by the Court or by the Minister of Citizenship and Immigration may make another application two years after the date of the rejection. The same procedure is followed as in the original application.

PART II.

AN APPLICATION FOR A CERTIFICATE BY A CANADIAN CITIZEN

11. Who May Apply

Any person who is a Canadian citizen and

(1) who wishes to have a certificate of citizenship, -

OR

(2) whose name has been legally changed and who was issued or granted a certificate of citizenship or a certificate of naturalization under his former name,

OR

(3) to whom a certificate of naturalization was granted under any Act in force before January 1st, 1947,

OR

(4) who has acquired Canadian citizenship because his name was included in a certificate of naturalization granted to his parent before January 1st, 1947.

may file his application for a certificate of Canadian citizenship with the Registrar of Canadian Citizenship, Ottawa.

12. How To Apply

An application form "Application for a Certificate by a Canadian Citizen", (Form 1), may be obtained from the Clerk of the Court for the County or District in which the applicant resides, or from the Registrar of Canadian Citizenship, Ottawa. After completing the form in full and having it notarized, the application should be forwarded to the Registrar.

13. Issue of the Certificate

If the application is found to be in order, the Minister of Citizenship and Immigration will issue a Certificate of Canadian Citizenship which will be forwarded by registered mail to the applicant.

PART III

APPLICATION BY A BRITISH SUBJECT

14. Who May Apply

Any person who is a British subject (see Section 37) may apply for a Certificate of Canadian Citizenship.

It is important to note in this connection that a British subject is NOT required, in most cases, to appear for examination before the Court.

15. When the Application May Be Made

A British subject may make application for a Certificate of Canadian Citizenship when he has satisfied the following requirements:

- (a) He must be at least 21 years of age or the spouse of and reside in Canada with a Canadian citizen.
- (b) He must have Canadian domicile as defined in the Immigration Act. This says in part, "Canadian domicile is acquired for the purposes of this Act by a person having his place of domicile for at least five years in Canada after having been landed in Canada".

NOTE: There are three important exceptions to the requirement of Canadian domicile (See Section 10, 1 (c) of the Canadian Citizenship Act). These are:

- (i) Under certain circumstances, a person who has served outside of Canada in the Canadian Armed Forces.
- (ii) The wife of a Canadian citizen, provided she has been legally admitted to Canada for permanent residence.
- (iii) A person who had a place of domicile in Canada for twenty years immediately before the first of January, 1947, and was not under an order of deportation on that date.

- (c) He must have lived in Canada for at least a year immediately before the date of his application.

- (d) He must be of good character.
- (e) He must have an adequate knowledge of either the English or French language.

NOTE: There is one exception to this requirement. A person who has lived in Canada for twenty years or more is NOT required to have a knowledge of either language.

- (f) He must have an adequate knowledge of the responsibilities and privileges of Canadian citizenship.
- (g) He must intend to make his permanent home in Canada.

16. How To Apply

A British subject wishing to apply for Canadian citizenship should obtain a copy of the form "Application for Citizenship by a British Subject", (Form 2), from the Clerk of the Court for the County or District in which the applicant lives, or from the Registrar of Canadian Citizenship, Ottawa. After completing the form in full and having it notarized, the applicant should send it to the Registrar of Canadian Citizenship, Ottawa.

NOTE: The applicant's birth certificate and British passport must be submitted with the form. These documents will be returned. If the applicant is a British subject by naturalization, he must also submit his Certificate of Naturalization. This will be retained by the Registrar if a Certificate of Canadian Citizenship is granted.

17. Issue of the Certificate of Canadian Citizenship

If, at the discretion of the Minister of Citizenship and Immigration, a Certificate of Canadian Citizenship is granted, the Registrar will forward the Certificate to the applicant by registered mail.

PART IV

APPLICATION BY A FORMER CANADIAN CITIZEN

18. Who May Apply

Any person who ceased to be a Canadian citizen or British subject for reasons other than marriage (see Section 10 (4) of the Canadian Citizenship Act), may apply for a Certificate of Canadian Citizenship.

Before such a Certificate will be granted, however, the applicant must satisfy the Minister of Citizenship and Immigration that he has lived in Canada for at least a year immediately before the date of his application. He must also give indication that he is of good character; that he has an adequate knowledge of the English or French language; or in lieu of such knowledge, that he has lived for twenty years in Canada. He must indicate as well that he has an adequate knowledge of the responsibilities and privileges of Canadian citizenship and that he intends to have his permanent place of abode in Canada. He must be at least 21 years of age or the spouse of and reside in Canada with a Canadian citizen.

19. How To Apply

A former Canadian citizen who wishes to apply for Canadian citizenship may obtain an application form, "Application for a Certificate under Sections 10 (3) and 10 (4)," (Form 9), from the Clerk of the Court for the County or District in which the applicant lives, or from the Registrar of Canadian Citizenship, Ottawa. After completing the form in full and having it notarized, the application should be forwarded to the Registrar.

20. Issue of the Certificate of Citizenship

If, in his discretion, the Minister of Citizenship and Immigration grants a Certificate of Canadian Citizenship, the Registrar will forward the Certificate to the applicant by registered mail.

PART V

APPLICATION BY A WOMAN WHO LOST HER STATUS THROUGH, OR IN THE COURSE OF, HER MARRIAGE

21. Who May Apply

Any woman who was or became a British subject under Canadian law, and who lost her status as a British subject through, or in the course of, her marriage may apply for a Certificate of Canadian Citizenship under Section 10 (3) of the Canadian Citizenship Act.

22. How To Apply

An application form, "Application for a Certificate under Sections 10 (3) and 10 (4)" (Form 9), may be obtained from the Clerk of the Court for the County or District in which the applicant lives, or from the Registrar of Canadian Citizenship, Ottawa. After completing the form in full and having it notarized, the application should be forwarded to the Registrar.

23. Residence in Canada Not Required

An applicant for a Certificate of Canadian Citizenship under this Section does not have to be a resident of Canada since the usual requirements governing the grant of a Certificate to an alien are dispensed with in her case.

24. Issue of the Certificate of Canadian Citizenship

If, in the discretion of the Minister of Citizenship and Immigration, a Certificate of Canadian Citizenship is granted, the Registrar will forward the Certificate to the applicant by registered mail.

PART VI

GRANT OF A CERTIFICATE OF CANADIAN CITIZENSHIP TO AN ADOPTED OR LEGITIMATED PERSON

25. Who May Apply

Any person who has been lawfully admitted to Canada for permanent residence and who, under a law of a province of Canada

- (a) has been adopted by a Canadian citizen, or
- (b) has been legitimized, provided the legal father is a Canadian citizen.

may be granted a Certificate of Canadian Citizenship.

26. How To Apply

A copy of the application form, "Application for a Certificate under Section 11" (Form 11), may be obtained from the Clerk of the Court for the County or District in which the applicant lives, or from the Registrar of Canadian Citizenship, Ottawa. After completing the form in full and having it notarized, the application should be forwarded to the Registrar.

27. Issue of the Certificate of Canadian Citizenship

If, in the discretion of the Minister of Citizenship and Immigration, a Certificate of Canadian Citizenship is granted, the Registrar will forward the Certificate to the applicant by registered mail.

PART VII

APPLICATION ON BEHALF OF MINOR CHILDREN OF NATURALIZED CANADIAN CITIZENS

28. Who May Apply

An application on behalf of any minor child of a naturalized Canadian citizen may be made under Section 10 (5) of the Canadian Citizenship Act, provided the person applying is the responsible parent of the child and that the child has been legally admitted to Canada for permanent residence.

NOTE: If the child is 14 years of age or more, he must have a knowledge of the English or French language. He must also take the Oath of Allegiance.

29. How To Apply

An application form "Application on behalf of a Minor Child—Section 10 (5)" (Form 10), may be obtained from the Clerk of the Court for the County or District in which the applicant lives, or from the Registrar of Canadian Citizenship, Ottawa. After completing the form in full, the application should be forwarded to the Registrar.

30. Issue of the Certificate

If the Minister of Citizenship and Immigration, in his discretion, grants a Certificate of Canadian Citizenship, the Registrar will forward the Certificate to the applicant by registered mail.

PART VIII

APPLICATION ON BEHALF OF CHILDREN IN SPECIAL CASES

31. Who May Apply

An application for a Certificate of Canadian Citizenship may be made by the responsible parent on behalf of a minor child. It is emphasized, however, that the circumstances must be exceptional and the Minister of Citizenship and Immigration must be satisfied that there are good and sufficient reasons for the granting of such a certificate.

NOTE: If the child is more than fourteen years of age, he is required to take the Oath of Allegiance.

32. How To Apply

An application form, "Application on Behalf of a Minor Child under Section 11" (Form 12), may be obtained from the Clerk of the Court for the County or District in which the applicant lives, or from the Registrar of Canadian Citizenship, Ottawa. Upon its completion in full, the application should be forwarded to the Registrar.

33. Issue of the Certificate

If the Minister of Citizenship and Immigration is satisfied that the reasons for granting a Certificate of Citizenship to the child are sufficient, the Certificate will be forwarded by the Registrar to the applicant by registered mail.

PART IX

REGISTRATION, RETENTION OR RESUMPTION OF CANADIAN CITIZENSHIP BY CHILDREN BORN ABROAD OF CANADIAN PARENTS

34. Registration

A child born abroad of Canadian parents after January 1, 1947, must be registered at the office of a Canadian representative in the country where the birth took place, or with the Registrar of Canadian Citizenship, Ottawa, within two years of its birth.

NOTE: The child is NOT a Canadian citizen until such registration is completed.

35. Retention

A child born outside of Canada either before or after January 1, 1947, will lose his Canadian citizenship three years after the day he reaches the age of twenty-one UNLESS he

(a) has his permanent home in Canada at such date;

OR

(b) has, after becoming twenty-one years old and before a lapse of three years, filed a Declaration of Retention of Canadian Citizenship in the office of a representative of the Government of Canada.

36. Resumption

A person who has ceased to be a Canadian citizen because of his failure to file a Declaration of Retention, as outlined in Section 35 above, may file an application for resumption of Canadian Citizenship on the form "Resumption of Canadian Citizenship under Sections 6-18(4) and 20(3)" (Form 13). The application may be filed in the office of a representative of the Government of Canada outside of Canada, or directly with the Registrar of Canadian Citizenship, Ottawa.

If the application is approved by the Minister of Citizenship and Immigration, the Registrar will issue a Certificate of Citizenship which will be sent to the applicant by registered mail.

PART X

GENERAL INFORMATION

37. Countries of the Commonwealth

Every citizen of one of the Commonwealth countries listed below has in Canada the status of a British subject or a Commonwealth citizen:

Australia	Pakistan
Canada	Southern Rhodesia
Ceylon	Union of South Africa
India	United Kingdom
New Zealand	

NOTE: A citizen of the Republic of Ireland is, for the purposes of the Canadian Citizenship Act, to be dealt with in the same manner as a British subject.

38. Oath of Allegiance Taken by Applicants for Canadian Citizenship.

I, , swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second, her Heirs and Successors, according to law, and that I will faithfully observe the laws of Canada and fulfil my duties as a Canadian citizen.

So help me God.

39. Penalties Provided under the Canadian Citizenship Act

Penalties are provided in the Canadian Citizenship Act for persons who knowingly make false statements in order to obtain a Certificate of Canadian Citizenship, or who otherwise violate a provision of the Act.

Provision is also made in the Act for the surrender of Certificates of Citizenship or Certificates of Naturalization where the holder has ceased to be a Canadian citizen or a British subject through revocation or otherwise, or where there is a doubt that the holder of such a Certificate is entitled to it.

40. How To Obtain Certified True Copies of Certificates of Citizenship

Where a Certificate of Canadian Citizenship or a Certificate of Naturalization is lost or destroyed, an application may be made to the Registrar for a certified copy of such certificate. If the application is approved by the Minister of Citizenship and Immigration, the Registrar will issue a certified copy of the original certificate which will be sent to the applicant by registered mail.

41. Forms Used under the Canadian Citizenship Act

Form No.	Name of Form	See Section
CR 1	Application for Certificate of Proof and Miniature 34(1)(i)	11-13
2	Application by British Subject 10(2).....	14-17
3	Application by an alien 10(1).....	1-10
4	Notice of Hearing.....	4
5	Notice re Oath (in Court).....	8
6	Oath and Renunciation (Court).....	—
7	Declaration of Retention (4 or 5).....	—
8	Certificate of Retention.....	—
9	Application by person who lost Canadian status by marriage or naturalization abroad 10(3)—10(4).....	18-24
10	Application on behalf of a minor 10(5).....	28-30
11	Application by alien or British subject (doubt, adoption, legitimization or special cases)—Section 11.....	25-27
12	Application on behalf of a minor—Section 11.....	31-33
13	Application for Resumption of Canadian Citizenship....	36
14	Registration of birth abroad (Section 5).....	34
15	Certificate of Registration.....	34
16	Application for Certified copy.....	40
17	Declaration of Renunciation of Canadian Citizenship...	—
18	Application for Extension.....	—
19	Certificate of Extension.....	—
20	Declaration of Intention.....	—
21	Official Receipt of Declaration of Intention.....	—





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